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# Ordinances

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Form and Correctness Approved:

By Mary V. G. H.  
Office of the City Attorney

Contents Approved:

NORFOLK, VIRGINIA

By Betsy M. M.  
DEPT. Budget and Strategic Planning

Pursuant to Section 72 of the City Charter, I hereby certify that the money required for this item is in the city treasury to the credit of the fund from which it is drawn and not appropriated for any other purpose.

\$ 3,346,976  
1,105,774,587

William M. Kelly  
Director of Finance

HUB Account  
Various  
Account  
5/15/15  
Date

## ORDINANCE No. 45,955

R-6

AN ORDINANCE APPROPRIATING FUNDS FOR OPERATION OF THE CITY FOR THE FISCAL YEAR BEGINNING JULY 1, 2015 AND ENDING JUNE 30, 2016, APPROPRIATING LAND ACQUISITION/REVOLVING FUND BALANCE, APPROPRIATING U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) ENTITLEMENT GRANTS, AUTHORIZING SHORT-TERM EQUIPMENT FINANCING, PROVIDING A PAY SUPPLEMENT FOR CERTAIN ELIGIBLE RETIREES, APPROVING AND DESIGNATING A SITE FOR A PUBLIC MAUSOLEUM FOR THE INTERMENT OF THE DEAD AT FOREST LAWN CEMETERY AND ESTABLISHING PRICES FOR THE MAUSOLEUM, INCREASING THE VEHICLE LICENSE FEE, PROVIDING FOR A BUSINESS LICENSE INCENTIVE PROGRAM, UPDATING PARKING CODES, REPEALING UTILITIES ACCOUNT SERVICE CHARGES AND REGULATING THE PAYMENT OF MONEY FROM THE CITY TREASURY.

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WHEREAS, the City Manager submitted to the Council a proposed annual budget for the city for the fiscal year beginning July 1, 2015 and ending June 30, 2016, which has been amended by the Council, and it is necessary to make appropriations sufficient to fund said budget and to regulate the payment of money from the city treasury; now, therefore,

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That the amounts shown herein aggregating Eight Hundred Twelve Million Three Hundred

Seventy Nine Thousand One Hundred Twenty One Dollars (\$812,379,121) for the General Fund, Eighty Two Million Eight Hundred Eighty Thousand Five Hundred Sixty Nine Dollars (\$82,880,569) for the Water Utility Fund, Twenty Nine Million Four Hundred Twenty One Thousand Four Hundred Ninety Two Dollars (\$29,421,492) for the Wastewater Utility Fund, Fifteen Million Six Hundred Nine Thousand Eight Hundred Forty Six Dollars (\$15,609,846) for the Storm Water Utility Fund, One Hundred One Million Three Hundred Seventy Nine Thousand Five Hundred Twenty Seven Dollars (\$101,379,527) for the Internal Service Funds, Twenty One Million Three Hundred Ninety Four Thousand Six Hundred Forty Six Dollars (\$21,394,646) for the Parking Facilities Fund, Two Million Ninety Three Thousand Four Hundred Eighty Seven Dollars (\$2,093,487) for the Cemetery Services Fund, Five Million Nine Hundred Fifty One Thousand Eight Hundred Fifty Four Dollars (\$5,951,854) for the Emergency Operations Center Fund, Fifteen Thousand Dollars (\$15,000) for the Golf Operations Fund, Twenty Two Million One Hundred Twelve Thousand Dollars (\$22,112,000) for the Waste Management Fund, Five Million Eight Hundred Fifty Thousand Nine Hundred Dollars (\$5,850,900) for the Public Amenities Fund, Four Million Nine Hundred Eighty Four Thousand One Hundred Dollars (\$4,984,100) for the Tax Increment Financing Fund, One Million Seven Hundred One Thousand Nine Hundred Sixty Five Dollars (\$1,701,965) for the Towing and Recovery Operations Fund, or so much thereof as may be necessary, as set forth in the annual budget for the fiscal year July 1, 2015 - June 30, 2016, submitted by the City Manager and as amended by the Council and hereby adopted, are hereby appropriated, subject to the conditions hereinafter set forth in this ordinance, from the revenues of the city from all sources for the fiscal year July 1, 2015 - June 30, 2016, for the use of the several departments and funds established within the City Government, and for the purposes hereinafter set forth in said annual budget for the fiscal year July 1, 2015 - June 30, 2016 as follows:

|                         |              |
|-------------------------|--------------|
| Legislative             | \$4,623,759  |
| Executive               | \$2,310,706  |
| Department of Law       | \$4,386,569  |
| Constitutional Officers | \$54,943,097 |
| Department of Finance   | \$3,920,330  |

|  |               |
|--|---------------|
| Department of Human Resources                        | \$3,331,768   |
| Judicial   | \$1,279,259   |
| Department of Public Health                          | \$3,476,484   |
| Department of Human Services                         | \$46,476,185  |
| Department of Public Works                           | \$24,509,658  |
| Recreation, Parks and Open Space                     | \$16,943,108  |
| Norfolk Public Schools                               | \$314,678,771 |
| Department of Libraries                              | \$11,073,353  |
| Elections  | \$978,131     |
| Department of City Planning                          | \$4,829,234   |
| Cultural Facilities, Arts, and Entertainment         | \$5,543,082   |
| Central Appropriations                               | \$18,586,333  |
| Outside Agencies                                     | \$42,296,043  |
| Department of Police                                 | \$66,925,481  |
| Department of Fire-Rescue                            | \$40,608,056  |
| Virginia Zoological Park                             | \$3,727,134   |
| Debt Service   | \$62,382,152  |
| Office of Budget and Strategic Planning              | \$1,486,195   |
| Development  | \$1,798,593   |
| Communications and Technology                        | \$13,565,352  |
| Office to End Homelessness                           | \$287,498     |
| Neighborhood Development                             | \$3,294,228   |
| General Services                                     | \$23,971,181  |
| National Maritime Center                             | \$4,803,691   |
| Norfolk Community Services Board                     | \$25,343,690  |
| Total Appropriations General Fund - Operating Budget | \$812,379,121 |

|                                  |               |
|----------------------------------|---------------|
| Water Utility Fund               | \$82,880,569  |
| Wastewater Utility Fund          | \$29,421,492  |
| Parking Facilities Fund          | \$21,394,646  |
| Storm Water Utility Fund         | \$15,609,846  |
| Internal Service Funds           | \$101,379,527 |
| Cemetery Services Fund           | \$2,093,487   |
| Emergency Operations Center Fund | \$5,951,854   |
| Golf Operations Fund             | \$15,000      |

|                                     |                 |
|-------------------------------------|-----------------|
| Waste Management Fund               | \$22,112,000    |
| Public Amenities Fund               | \$5,850,900     |
| Tax Increment Financing Fund        | \$4,984,100     |
| Towing and Recovery Operations Fund | \$1,701,965     |
| Total Operating Funds               | \$1,105,774,507 |

Section 2:- That unless otherwise specified by Council, all taxes and fees heretofore levied shall continue from year to year.

Section 3:- That the salaries and wages set forth in detail in said annual budget, including for the City Manager, as amended, and for offices and positions which are not embraced within said compensation plan are hereby authorized.

The positions, except where the number thereof is not under the control of the Council, set forth in said annual budget, as amended, shall be the maximum number of positions authorized for the various departments, divisions, bureaus and funds of the city during the fiscal year July 1, 2015 - June 30, 2016 and the number may be changed during said fiscal year as authorized by the Council or City Manager.

Unless the city's compensation plan provides otherwise, changes in personnel occurring during said fiscal year in classifications embraced within the city's compensation plans shall be administered by the City Manager in accordance with the regulations for the administration of the plans.

In the event any personnel authorized in the preceding year's annual budget and appropriations are notified of release due to a reduction in force, reorganizations or workforce downsizing or the staffing and organization redesign effort, such positions are hereby authorized to continue in existence until such time as adopted procedures relating to reductions in force or work force downsizing, or the staffing and organizational redesign effort are completed and implemented in accordance with its terms and conditions. The City Manager is hereby authorized to continue all benefits and salaries throughout the period of employment from appropriated funds for the positions aforesaid, notwithstanding that said positions may or

may not have been deleted in a department budget for the fiscal year July 1, 2015 - June 30, 2016.

The Council reserves the right to change at any time during said fiscal year the compensation, including pay supplements for constitutional officers, either before or after a change in basic salary is made by the State Compensation Board, and to abolish any office or position provided for in said annual budget, as amended, except such offices or positions as it may be prohibited by law from abolishing. The City Manager is authorized to make such rearrangements and reorganizations of positions and personnel services funds between the several departments, including funds named therein, as may best meet the uses and interests of the city.

No person shall acquire any vested interest in any supplement payable under this section beyond those actually paid.

Section 4:- That all payments from the appropriations provided for in this ordinance, including those from balances remaining on June 30, 2015, to the credit of appropriations for works, improvements or other objects which have not been completed or abandoned, except those works, improvements or other objects funded by Federal, State, or other organizational grants which are hereby encumbered, shall be made at such time as the City Manager may direct, unless otherwise specified by the Council. The City Manager is hereby authorized to apply for grants and awards during the fiscal year provided that adequate matching funds are in the budget.

Section 5:- That within several departments, funds and activities, there are hereby appropriated sufficient amounts to cover the operation of all Internal Service Funds, including the Healthcare Fund and Fleet Management. Charges for services assessed against said departments, funds and activities by the Internal Service Funds shall be accumulated in the appropriate internal service fund and expended to cover the operating costs of such funds as provided in the annual budget.

Any unexpended balances in the amounts appropriated for the Healthcare Fund at the close of business on June 30, 2015, shall not revert to the surplus of the Healthcare Fund, but shall be carried forward on the

books of the Director of Finance and be available for expenditure in the succeeding year.

Section 6:- That the various amounts appropriated by this ordinance for the several groups, as set forth in the annual budget, as amended, are to be expended for the purposes designated by said groups, provided, however, that the City Manager or a designee may authorize the transfers between account groups within departments, funds or activities of the city and a record of such transfers shall be maintained by the Director of Finance.

The City Manager or designee is authorized to transfer from any department, fund or activity which has an excess of funds appropriated for its use of the balance of the fiscal year to any department, activity or fund all or any part of such excess, or to cause such transfers to be made, a record of all such transfers shall be maintained by the Director of Finance.

Any unexpended balances in the amounts appropriated for the Department of Public Works Street Construction and Maintenance Projects, Public Amenities Fund, Tourism Infrastructure Repair, and the Norfolk Consortium at the close of business on June 30, 2015 shall not revert to the surplus of the General Fund, but shall be carried forward on the books of the Director of Finance and be available for expenditure in the succeeding year.

The City Manager shall provide to the City Council a mid-year budget update. Such mid-year budget update shall report the projected revenue and expenditure estimates for the entire fiscal year, receipt of unbudgeted revenues, and other major changes to the adopted budget.

There is hereby reserved in the General Fund Balance up to the amount of Forty Two Million Three Hundred Thirty Two Thousand Five Hundred Ninety One Dollars (\$42,332,591) for the Unassigned General Fund Balance Reserve.

There is hereby reserved in the General Fund Balance the amount of Four Million Dollars (\$4,000,000) for the Risk Management Reserve.



There is hereby reserved in the General Fund Balance the amount of Four Million Dollars (\$4,000,000) for the Economic Downturn and Leveling Reserve.

There is hereby reserved in the General Fund Balance up to the amount of Two Million Nine Hundred Sixty Seven Thousand Nine Hundred Sixty One Dollars (\$2,967,961) in the revolving fund for strategic land acquisitions to be expended for future land acquisitions. The City Manager is authorized to accept future deposits made to the Land Acquisition Fund during the fiscal year. Such deposits are hereby appropriated and authorized to be expended for future land acquisitions. Any unobligated appropriation in the Land Acquisition/Revolving Fund at the close of the fiscal year ending on June 30, 2015, is hereby reserved for the Land Acquisition/Revolving Fund to be expended for future strategic land acquisitions.

Any unexpended balances for Recreation Improvements that were appropriated and authorized for expenditure by Ordinance #45,763 shall not revert to the surplus of the general fund and shall be transferred to the Land Acquisition/Revolving Fund at the end of FY 2015. Such funds are hereby appropriated and authorized for expenditure from the Land Acquisition/Revolving Fund for Recreation Improvements.

There is hereby appropriated and authorized for expenditure the revenues from the flat tax of Two Dollars (\$2.00) per room for each night of lodging at any hotel, if and when received, to: (1) Visit Norfolk (Norfolk Convention and Visitor Bureau) for visitor promotion and advertising for conventions and tourism; and (2) the Norfolk Consortium. Visit Norfolk shall be allocated fifty percent (50%) of the revenues collected each month from the flat tax of Two Dollars (\$2.00) per room of each night of lodging at any hotel during the fiscal year and the remaining fifty percent (50%) of the revenues collected each month shall be allocated and is authorized for expenditure by the Norfolk Consortium.

There is hereby appropriated and authorized to be transferred to the Parking Facilities Rate Stabilization Fund Three Hundred Twenty Nine Thousand Nine Hundred Forty Three Dollars (\$329,943) from the MacArthur Center Garage Reserve Fund to reimburse prior General Reserve funded capital expenditures at MacArthur Center, Sixty

Nine Thousand One Hundred Twenty Two Dollars (\$69,122) from the Office Buildout Reserve, One Hundred Ninety Five Thousand Dollars (\$195,000) from the Operating Reserve and Two Million One Hundred Eight Thousand One Hundred Ninety One Dollars (\$2,108,191) of the Parking General Reserve Fund to the Parking Facilities Rate Stabilization Fund. Furthermore, there is hereby appropriated and authorized to be expended from the Parking Facilities Rate Stabilization Fund Two Million Seven Hundred Two Thousand Two Hundred Fifty Six Dollars (\$2,702,256) for operations of the Parking Facilities Fund. Such deposits are hereby appropriated and authorized to be expended for operations of the Parking Facilities Fund.

There is hereby authorized, in accordance with guidelines established by the City Manager, the execution of warrants for the disbursement of any cash in banks credited to the City's Corporate Account to meet any properly authorized and approved payment chargeable to any account of the city.

Unless otherwise specified by any other provision of local, state or federal law, operating funds appropriated to Norfolk Public Schools that have not been expended or contractually obligated at the end of the fiscal year are deemed local dollars and shall revert to the city for re-appropriation by City Council.

There is hereby appropriated and authorized for expenditure the revenues from the Fiscal Year 2014 Two cent (\$0.02) real estate tax increase for the School Construction, Technology and Infrastructure Program. The City Manager is hereby authorized to expend and reserve the School Construction, Technology and Infrastructure Program supported by the dedicated Two cent (\$0.02) real estate tax increase to support the needs of Norfolk Public Schools. Any unexpended balances in the amounts appropriated shall not revert to the surplus of the General Fund, but solely be dedicated to the School Construction, Technology and Infrastructure Program and shall be carried forward on the books of the Director of Finance and appropriated and available for expenditure in the succeeding year.

Section 7:- That the FY 2016 Annual Plan, (Consolidated Plan Fiscal Years 2012-2016) for the Community Development Block Grant Program, HOME Investment Partnership Program and Emergency Solutions

Grant Program, having been reviewed and found to be in the best interests of the city, is hereby approved.

Section 8:- That, if and when made available from the U.S. Department of Housing and Urban Development (HUD), the sum of up to Four Million One Hundred Nineteen Thousand Fifty Nine Dollars (\$4,119,059) is hereby appropriated and authorized for expenditure for the Community Development Block Grant Program (2015-2016) from the Community Development Block Grant and when such funds are realized as earnings from the Revolving Loan Fund.

Section 9:- That, if and when made available from the U.S. Department of Housing and Urban Development (HUD), the sum of up to Eight Hundred Eighty One Thousand Four Hundred Fifty Nine Dollars (\$881,459) is hereby appropriated and authorized for expenditure for the HOME Investment Partnership Program (2015-2016) from the HOME Investment Partnership Program Grant.

Section 10:- That, if and when made available from the U.S. Department of Housing and Urban Development (HUD), the sum of up to Three Hundred Forty Six Thousand Four Hundred Fifty Eight Dollars (\$346,458) is hereby appropriated and authorized for expenditure for the Emergency Solutions Program (2015-2016) from the Emergency Solutions Grant.

Section 11:- That the City Manager is designated as the certifying officer and authorized representative of the City of Norfolk and shall provide the assurance required by the provisions of the Housing and Community Development Act of 1974, as amended, and the regulations adopted pursuant to such Act.

Section 12:- That the City Manager is further authorized and directed to give to the U.S. Department of Housing and Urban Development (HUD) and the Comptroller General, through any authorized representative, access to and the right to examine all records, books, papers, documents and other materials which are related to the grant funds and is further authorized and directed to do all things necessary and proper to apply for, accept, receive and modify current and prior year grant funds to carry out the program.

Section 13:- That the Council hereby finds and determines that based on current conditions in the municipal bond market, it is in the city's best interest to issue short-term general obligation bonds or notes (the "Short-Term Equipment GOBs") to finance acquiring various items of personal property, including but not limited to computers, ambulances, fire trucks, refuse trucks and other vehicles (the "Equipment") appropriate and necessary for the efficient operation of the city. "Short-term" means a term to maturity of ten (10) or fewer years. The amount of any new Equipment to be acquired through the issuance of Short-Term Equipment GOBs shall not exceed Five Million Dollars (\$5,000,000).

No Short-Term Equipment GOBs may be issued before the Council provides authorization therefor following notice and a public hearing held under Virginia Code Section 15.2-2606 of the Public Finance Act of 1991.

That, if prior to issuing Short-Term Equipment GOBs to finance all or any portion of the Equipment, the City Manager, in consultation with the Director of Finance, determines that it is advisable to finance the acquisition in an alternative manner, the City Manager, without further approval of Council as to documentation or otherwise (unless otherwise required by law), is hereby authorized to execute and deliver on behalf of the city nongeneral obligation bonds, notes, term loan agreements, a master equipment lease agreement or other similar financing agreement (the "Alternative Short-Term Equipment Financing"), to execute and deliver such instruments, agreements, documents or certificates and to do and perform such things and acts, as the City Manager shall deem necessary or appropriate to carry out the transactions relating to the Alternative Short-Term Equipment Financing authorized by this ordinance, including to solicit and accept proposals to provide Alternative Short-Term Equipment Financing that the City Manager determines to be in the city's best interest and all of the foregoing, previously done or performed by such officers or agents of the city, are hereby in all respects approved, ratified and confirmed.

Should the City Manager determine that it is in the city's best interest to enter into Alternative Short-Term Equipment Financing, the Alternative Short-Term Equipment Financing shall bear interest at a rate not exceeding Six and a Half Percent (6.5%), shall have a

final term to maturity not in excess of ten (10) years and shall not exceed Five Million Dollars (\$5,000,000). The obligation of the city to make payments under any Alternative Short-Term Equipment Financing is subject to appropriation each year by the Council and nothing in this ordinance or the Alternative Short-Term Equipment financing shall constitute a debt or pledge of the faith and credit of the city.

The payment of FY 2016 debt service on prior Short-Term Equipment GOBs and any FY 2016 Alternative Short-Term Equipment Financing is part of the Debt Service Appropriation.

This ordinance represents a declaration of "official intent" under Treasury Regulations Section 1.150-2.

Section 14:- That, effective July 1, 2015, a one-time supplement of Three Hundred Dollars (\$300) shall be payable to retirees receiving retirement benefits as of June 30, 2014, with fifteen (15) or more years of creditable service or disability retirement who receive less than Twenty Four Thousand Two Hundred Fifty Dollars (\$24,250) in annual retirement benefits and workers' compensation benefits. In the event an eligible retiree dies on or before July 31, 2015, the supplement shall not be paid to the surviving spouse nor dependents. Funds for the supplement are hereby appropriated in the FY 2016 Operating Budget.

Section 15:- That Section 12-91 of the Norfolk City Code, 1979, is hereby amended and reordained by adding a new subsection (b) to approve and designate a site for a public mausoleum for the interment of the dead at Forest Lawn Cemetery, such subsection numbered to read as follows:

**Sec. 12-91            Public Mausoleums.**

(a)     The mausoleum in Forest lawn Cemetery purchased from Forest Lawn Mausoleum, Inc. authorized by ordinance adopted June 6, 1950, is approved for the interment of the dead.

(b)     The subdivision of the area as shown on the plat entitled "Plat of Forest Lawn Mausoleum, Norfolk, Virginia," dated June 4,

2014, prepared by the Division of Surveys, Department of Public Works, is hereby approved for the interment of the dead and such area is designated a public mausoleum site.

Section 16:- That subsections (1), (2), (4), (5), (7), and (8) of Section 12-266 of the Norfolk City Code, 1979, are hereby amended and reordained to read as follows:

**Sec. 12-266                      Charges for grave  
                                 openings and closings -  
                                 Mausoleum burials.**

The charges for opening and closing graves for mausoleum burials in the city cemeteries shall be as follows:

(1) Regular crypt - Public mausoleums - Monday through Friday, 8:30 a.m. to 4:00 p.m.: the fee shall be four hundred fifty dollars (\$450.00).

(2) Ash crypt - Public mausoleums - Monday through Friday, 8:30 a.m. to 4:00 p.m.: the fee shall be four hundred dollars (\$400.00).

(4) Regular crypt - Public mausoleums - Monday through Friday, 4:00 p.m. to 5:00 p.m., Saturday 9:00 a.m. to 2:00 p.m.: the fee shall be five hundred eighty dollars (\$580.00).

(5) Ash crypt - Public mausoleums - Monday through Friday, 4:00 p.m. to 5:00 p.m., Saturday 9:00 a.m. to 2:00 p.m.: the fee shall be five hundred dollars (\$500.00).

(7) Regular crypt - Public mausoleums - Saturday 2:00 p.m. to 5:00 p.m., Sunday and holidays: the fee shall be six hundred eighty dollars (\$680.00)

(8) Ash crypt - Public mausoleums - Saturday 2:00 p.m. to 5:00 p.m., Sunday and holidays: the fee shall be six hundred dollars (\$600.00)

Section 17:- That Section 12-290.3 of the Norfolk City Code, 1979, is hereby amended and reordained by adding two new subsections (8) and (9) to read as follows:

**Sec. 12-290.3      Special prices - Forest  
Lawn Cemetery.**

Notwithstanding the provisions of Section 12-290.1, the following prices shall be charged for lots and graves in Forest Lawn Cemetery:

(8) Casket spaces: community mausoleum - Level G: two thousand eight hundred fifty dollars (\$2,850) for a single casket space, four thousand nine hundred dollars (\$4,900) for a tandem casket space; Level F: three thousand two hundred fifty dollars (\$3,250) for a single casket space, five thousand nine hundred dollars (\$5,900) for a tandem casket space; Level E: three thousand six hundred fifty dollars (\$3,650) for a single casket space, six thousand seven hundred dollars (\$6,700) for a tandem casket space; Level D: three thousand nine hundred fifty dollars (\$3,950) for a single casket space, seven thousand three hundred (\$7,300) for a tandem casket space; Level C: four thousand two hundred fifty dollars (\$4,250) for a single casket space, eight thousand dollars (\$8,000) for a tandem casket space; Level B: four thousand four hundred fifty dollars (\$4,450) for a single casket space, eight thousand five hundred dollars (\$8,500) for a tandem casket space; Level A: four thousand one hundred fifty dollars (\$4,150) for a single casket space, eight thousand dollars (\$8,000) for a tandem casket space.

(9) Ash niches: community mausoleum - Levels J through L: one thousand dollars (\$1,000) per niche; Levels G through I: one thousand four hundred dollars (\$1,400) per niche; Levels C through F: one thousand eight hundred dollars (\$1,800) per niche; Levels A through B: one thousand four hundred dollars (\$1,400) per niche.

Section 18:- That Section 24-25.2 of the Norfolk City Code, 1979, is hereby amended and reordained so as to add the definition of a Qualifying Business to read as follows:

## **Sec. 24-25.2      Definitions**

*Qualifying Business* shall mean a business that locates for the first time in the city on or after January 1, 2016. A business shall be deemed to locate in the city upon establishing a definite place of business in Norfolk and engaging in a continuous and regular course of trade from that definite place of business. A business shall not be deemed to locate in the city for the first time based on a merger, acquisition, similar business combination, name change, or change in business form.

Section 19:- That subsections (a) and (b) of Section 24-25.9 of the Norfolk City Code, 1979, are hereby amended and reordained so as to provide for a business license tax exemption for certain Qualifying Businesses to read as follows:

## **Sec. 24-25.9      License fee and tax.**

(a)

(1) Small business exemption. In accordance with section 58.1-3706 of the Code of Virginia, 1950, businesses with taxable gross receipts, as defined in this article, which are one hundred thousand dollars (\$100,000.00) or less annually shall be exempt from the license tax provisions that would otherwise apply pursuant to this section. This exemption shall not exempt any business from obtaining a license. If actual taxable gross receipts in any year exceed the one hundred thousand dollar (\$100,000.00) threshold, the licensee shall report said fact to the commissioner of the revenue for adjustment. The tax shall then be computed on actual taxable gross receipts, giving credit for any license fee payment previously made. The tax shall then be promptly remitted to the commissioner.

(2) Qualifying Business with Taxable Gross Receipts of \$1,000,000.00 or Less Exemption: It is the intent of this provision to encourage new small businesses to locate in the city. In accordance with section 58.1-



3703 of the Code of Virginia, 1950, Qualifying Businesses, as defined in City Code Sec. 24-25.2, with total taxable gross receipts from all classifications of business in the amount of one million dollars (\$1,000,000.00) or less annually shall be exempt from the license tax that would otherwise be payable pursuant to this article. For Qualifying Businesses with total taxable gross receipts from all classifications of business exceeding one million dollars (\$1,000,000.00) annually, the license tax provisions of this article shall apply. A designation as a Qualifying Business and any exemption pursuant to this paragraph (a)(2) shall automatically lapse at the end of the first full business license year following the license year during which a new business first locates in the city. Following such lapse, the business shall be subject to all business license requirements unless otherwise exempt pursuant to subsection (a)(1).

A business that is determined to be a Qualifying Business, whether or not exempt hereunder, must obtain a business license and pay the fee pursuant to paragraph (b) for each classification of business in accordance with the provisions of this section.

Any new business seeking to qualify for this exemption shall complete an application for qualification, provide documentation sufficient to establish qualification as a Qualifying Business, and provide reasonable projected taxable gross receipts. The application shall be in the form required by the commissioner of the revenue. The applicant shall have the burden of proving qualification for this exemption on an annual basis. The applicant shall provide truthful information. Any determination of qualification or non-qualification shall be given in writing by the commissioner of the revenue. The appeal of a determination of non-qualification shall be in

the same manner as the appeal process of any other business license tax decision.

A new business entity that (i) meets the definition of "affiliated group," as defined in Code of Virginia § 58.1-3700.1, and (ii) conducts business activities that are similar to one (1) or more of the affiliated businesses shall be deemed a change in business form as such phrase is used in the definition of Qualifying Business and shall not qualify as a Qualifying Business. However, a new business entity that meets the "affiliated group" definition but undertakes a business that conducts substantially different business activities shall not be deemed a change in business form. A new business with taxable gross receipts of one million dollars (\$1,000,000.00) or less but that files consolidated financial statements with a parent or other affiliated entity with combined taxable gross receipts in excess of one million dollars (\$1,000,000.00) shall not be entitled to an exemption under this Sec. 24-25.9. A business shall not be deemed to locate in the city for the first time if there is an existing business in the city trading under the same or substantially similar business name, the businesses conduct similar business activities, and the businesses are related either by a shared ownership structure or a contractual relationship such as a franchisor/franchisee relationship. A qualifying business shall not include peddlers and itinerant merchants. A qualifying business shall not include a contractor required to obtain a business license by Code of Virginia §58.1-3715(B).

All Qualifying Businesses shall file a business license return with the commissioner of the revenue reporting taxable gross receipts earned in accordance with the provisions of this section and Sec. 24-25.3 in the previous calendar year. In the case of an underpayment by a Qualifying Business that

estimated taxable gross receipts to be one million dollars (\$1,000,000.00) or less in any year while designated as a Qualifying Business and whose actual taxable gross receipts earned in that year exceeded the one million dollar (\$1,000,000.00) threshold, the commissioner of the revenue shall assess such Qualifying Business with any additional license tax found to be due. The tax shall then be computed on actual taxable gross receipts, giving credit for any license fee payment previously made. The tax shall then be promptly remitted to the commissioner. In the case of an overpayment by a Qualifying Business that estimated taxable gross receipts to be in excess of one million dollars (\$1,000,000.00) in any year while designated as a Qualifying Business and whose actual taxable gross receipts earned in that year did not exceed the one million dollar (\$1,000,000.00) threshold, the Qualifying Business shall receive a credit of the excess tax paid in the previous year.

A Qualifying Business shall forfeit any entitlement to the license tax exemption provided in this Sec. 24-25.9 if (i) such business is delinquent on any local tax and fees, including, without limitation, personal property tax, real property tax, admissions tax, food and beverage tax, Mixed Beverage Annual Review with Alcoholic Beverage Control, sales and use tax, and transient occupancy tax or (ii) such business fails to file returns for self-reported taxes at such times and in such manner as required by law. A Qualifying Business shall report its personal property and taxable gross receipts to the commissioner of the revenue at such times and in such manner as required by law and the failure to timely report shall result in the forfeiture of any entitlement to the license tax exemption provided by this Sec. 24-25.9.

(b) Annual license fee. In accordance with section 58.1-3703 of the Code of Virginia, 1950, there shall be a fee for

issuance of the annual business license for those businesses exempt from the license tax pursuant to paragraph (a) of this section. The following fee schedule shall apply to said business:

| Tax Year Beginning                     | Fee     |
|--|---------|
| January 1, 1999 or any previous year   | \$60.00 |
| January 1, 2000 or any subsequent year | \$50.00 |

The fee is due and payable on or before March 1 of each license year or at the time a new business is opened, and is further subject to the penalty and interest provisions of section 24-25.3.

Section 20:- That subsections (b), (c), (d), (e), (g), (h), (i) and (j) of Section 24-160 of the Norfolk City Code, 1979, are hereby amended and reordained to read as follows:

**Sec. 24-160      Levy and amount of  
license fee.**

(b) For each private motor vehicle, other than a motorcycle or motorbicycle, with a normal seating capacity of not more than ten (10) persons, including the driver, designed and used for the transportation of passengers, but not kept or used for rent or hire for the transportation of passengers, nor as a motor carrier operating or which should operate under a certificate or permit from the state corporation commission, the fee shall be thirty-one dollars (\$31.00), for such motor vehicles weighing four thousand (4,000) pounds or less and the fee shall be thirty-six dollars (\$36.00), for such motor vehicles weighing more than four thousand (4,000) pounds. For each private motor vehicle, other than a motorcycle or motorbicycle, weighing four thousand (4,000) pounds or less, with a normal seating capacity of more than ten (10) adult persons, including the driver, the fee

shall be thirty dollars and seventy-five cents (\$30.75). For such vehicles weighing more than four thousand (4,000) pounds, the fee shall be thirty-five dollars and seventy-five cents (\$35.75).

(c) For each motorcycle and motorbicycle, with or without a side car, the fee shall be twenty dollars (\$20.00).

(d) For each trailer or semitrailer designed and used for the transportation of passengers, and not kept or used for rent or hire, the fee shall be forty cents (\$0.40) for each one hundred (100) pounds of weight, or major fraction thereof and an additional fee of five dollars (\$5.00)

(e) For each trailer or semitrailer designed and used for the transportation of passengers, and kept or used for rent or hire for the transportation of passengers, the fee shall be seventy cents (\$0.70) for each one hundred (100) pounds of weight or major fraction thereof and an additional fee of five dollars (\$5.00).

(g) For each motor vehicle designed and used for the transportation of passengers and kept or used for rent or hire, with a chauffeur, for the transportation of passengers, except common carriers operating or which should operate under a certificate or permit of the state corporation commission or interstate commerce commission, the fee shall be thirty dollars and seventy-five cents (\$30.75), on such vehicles weighing four thousand (4,000) pounds or less, and the fee on such vehicles weighing more than four thousand (4,000) pounds shall be thirty-five dollars and seventy-five cents (\$35.75). For each such vehicle kept or used for rent or hire without a chauffeur, and leased for twelve (12) months or more, the fee shall be thirty-one dollars (\$31.00), on such vehicles weighing four thousand (4,000) pounds or less, and the fee shall be thirty-six dollars (\$36.00), on such vehicles weighing more than four thousand (4,000) pounds. The license fee imposed by this subsection shall not be in lieu of any other tax, license, or charge now or hereafter imposed and levied by the city

for engaging in the business of operating any such motor vehicle pursuant to a certificate of public convenience and necessity therefor issued pursuant to article II of chapter 34 of this Code.

(h) Except as hereinafter otherwise provided, the license fee for all motor vehicles, trailers and semitrailers not designed and used for the transportation of passengers, other than common carriers operating under the authority of the state corporation commission or the Interstate Commerce Commission, shall be determined by the gross weight of the vehicle or combination of vehicles of which it is a part, when loaded to the maximum capacity for which it is registered and licensed by the state, according to the schedule of taxes herein set forth. For each one thousand (1,000) pounds of gross weight, or major fraction thereof, for any such vehicle registered and licensed by the state, the license fee shall be the fee which is set forth in the following schedule immediately opposite the weight group into which such vehicle, or any combination of vehicles of which it is a part, falls when loaded to the maximum capacity for which it is registered and licensed by the state; provided that the license fee for trailers and semitrailers not designed and used for the transportation of passengers with a gross weight not exceeding one thousand five hundred (1,500) pounds shall be eighteen dollars (\$18.00). For all such motor vehicles, trailers and semitrailers exceeding a gross weight of 19,000 pounds, an additional fee of five dollars (\$5.00) shall be imposed.

| Gross Weight Groups<br>(Pounds) | Fee Per Thousand Pounds of Gross<br>Weight  |
|---------------------------------|---|
| 19,000 and under                | Flat-\$25.00                                |
| 19,001-22,000                   | \$1.60 and an additional \$5.00 Flat<br>fee |
| 22,001-25,000                   | \$1.70 and an additional \$5.00 Flat<br>fee |

|                    |  |
|--------------------|--|
| 25,001 and over    | \$1.80 and an additional \$5.00 Flat fee |
| Panel and Pickups: |  |
| 4,000 or less      | Flat-\$31.00                             |
| 4,001-7,500        | Flat-\$36.00                             |
| Trucks:            |  |
| 7,501-19,000       | Flat-\$36.00                             |
| 19,001-22,000      | \$1.60 and an additional \$5.00 Flat fee |
| 22,001-25,000      | \$1.70 and an additional \$5.00 Flat fee |
| 25,001 and over    | \$1.80 and an additional \$5.00 Flat fee |

(i) In the case of a combination of a tractor truck and a semitrailer, each vehicle constituting a part of such combination shall be licensed as a separate vehicle, and separate vehicle license decals shall be issued therefor, but, for the purpose of determining the gross weight group into which any such vehicle falls pursuant to subsection (h), the combination of vehicles of which such vehicle constitutes a part shall be considered a unit, and the aggregate gross weight of the entire combination shall determine such gross weight group. The license fee for a semitrailer constituting a part of such combination with a gross weight up to one thousand five hundred (1,500) pounds shall be eighteen dollars (\$18.00). For a semitrailer with a gross weight exceeding one thousand five hundred (1,500) pounds, the license fee shall be twenty-five dollars (\$25.00). In determining the license fee to be paid for a tractor truck constituting a part of such combination, the license fee shall be assessed at the total gross weight and the fee per one thousand (1,000) pounds applicable to the gross weight of the combination, when loaded to the maximum capacity for which it is registered and licensed by the state. However, there shall be no deduction from this license

fee for the license fee of the semitrailer in the combination.

(j) For each trailer used only for carrying property belonging to the owner, which trailer does not exceed two thousand (2,000) pounds and is attached to the owner's motor vehicle, the fee shall be eleven dollars and fifty cents (\$11.50). For each trailer used for carrying property belonging to the owner, which trailer exceeds two thousand (2,000) pounds and is attached to the owner's motor vehicle, the fee shall be twenty-five dollars (\$25.00), except that for each watercraft trailer, the fee shall be eleven dollars and fifty cents (\$11.50) for all weights. For each camping trailer, the fee shall be eleven dollars and fifty cents (\$11.50) for such trailer weighing two thousand (2,000) pounds or less. The fee shall be seventeen dollars and fifty cents (\$17.50) for such trailer weighing over two thousand (2,000) pounds. For each travel trailer, the fee shall be seventeen dollars and fifty cents (\$17.50) for such trailer weighing four thousand (4,000) pounds or less. The fee shall be twenty dollars (\$20.00) for such trailer weighing over four thousand (4,000) pounds.

Section 21:- That Section 25-2 of the Norfolk City Code, 1979, is hereby amended and reordained so as to add the definition of a travel trailer and a watercraft trailer to read as follows:

**Sec. 25-2                      Definitions.**

(78) *Travel Trailer.* Every vehicle designed to provide temporary living quarters of such size and weight as not to require special highway movement permits when towed by a motor vehicle and having a gross trailer area less than 320 square feet.

(79) *Truck.* Every motor vehicle designed to transport property on its own structure independent of any other vehicle and having a registered gross weight in excess of seven thousand five hundred (7,500) pounds.



(80) *Truck lessor.* A person who holds the legal title to any motor vehicle, trailer, or semitrailer that is the subject of a bona fide written lease for a term of one year or more to another person, provided that:

(i) Neither the lessor nor the lessee is a common carrier by motor vehicle or restricted common carrier by motor vehicle or contract carrier by motor vehicle as defined in [Code of Virginia,] § 46.2-2000;

(ii) The leased motor vehicle, trailer, or semitrailer is used exclusively for the transportation of property of the lessee;

(iii) The lessor is not employed in any capacity by the lessee;

(iv) The operator of the leased motor vehicle is a bona fide employee of the lessee and is not employed in any capacity by the lessor; and

(v) A true copy of the lease, verified by affidavit of the lessor, is filed with the commissioner.

(81) *Utility vehicle.* A motor vehicle that is (i) designed for off-road use, (ii) powered by an engine of no more than twenty-five (25) horsepower, and (iii) used for general maintenance, security, agricultural, or horticultural purposes. "Utility vehicle" does not include all-terrain vehicles as defined in this section, riding lawn mowers, or any other vehicle whose definition is included in this section.

(82) *Vehicle.* Every device in, upon or by which any person or property is or may be transported or drawn on a highway, except devices moved by human power or used exclusively upon stationary rails or tracks. For the purposes of Chapter 8 (Code of Virginia, § 46.2-800 et seq.) of this title, bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, and mopeds shall be vehicles while operated on a highway.

(83) *Watercraft Trailer.* Every trailer specifically designed to carry a watercraft or a motor boat and purchased, sold or offered by

sale by a watercraft dealer licensed under Chapter 8 (§29.1-800 et seq.) of Virginia Code Title 29.1.

(84) *Wheel chair or wheel chair conveyance.* A chair or seat equipped with wheels, typically used to provide mobility for persons who, by reason of physical disability, or otherwise unable to move about as pedestrians. The term includes both three-wheeled and four-wheeled devices. So long as it is operated only as provided in Code of Virginia, § 46.2-677, a self-propelled wheel chair or self-propelled wheel chair conveyance shall not be considered a motor vehicle.

Section 22:- That subsections (f) and (g) of Section 25-286.1 of the Norfolk City Code, 1979, are hereby amended and reordained to read as follows:

**Sec. 25-286.1    Designation of parking  
                  permit areas.**

(f) Designation of parking permit area:

(1) Following the designation of a parking permit area by the city manager, he shall cause to be posted parking signs in the area, indicating the times, locations and conditions under which parking shall be by permit only.

(2) The issuance of parking decals shall be by the division of parking facilities as provided in paragraph (g).

(g) Issuance of decals; proration:

(1) A fee of ten dollars (\$10.00) per annum shall be charged for the issuance of each parking decal for use on vehicles registered to bona fide residents of the district in a restricted parking district of the city. The fees collected will be used by the city to defray the cost of enforcement of this section and rules, regulations, and orders promulgated by the city manager. Parking decals shall be issued on an annual basis by the division of parking facilities for the period commencing at 12:01 a.m., June 1 and expiring at midnight May 31 of the following year.

(2) The issuance of parking permits shall be by the division of parking facilities as provided in paragraph (h).

(3) Each household qualified pursuant to this section to purchase an annual parking decal shall be issued one complimentary visitor's pass for the use of visitors of such purchaser while residing or visiting on a temporary basis in the home or dwelling place of such purchaser. Such passes shall be subject to any rules and regulations established covering their use.

(4) Additional temporary parking passes shall be issued to be valid for a period not exceeding one calendar month to accommodate unusual visiting requirements for a fee of two dollars (\$2.00) each to holders of annual passes.

(5) Decals, temporary and visitors passes are not transferable. If a resident trades a vehicle, he shall carefully scrape the decal from the bumper and return it with his permit form to the division of parking facilities for issuance of a new sticker at no cost. Abuse of these regulations may be grounds for revocation of parking pass privileges by the city.

(6) The annual decal shall be displayed on the left rear bumper of the vehicle. Visitor and temporary parking passes shall be displayed from the rear view mirror of the vehicle and shall be prominently displayed to be visible from the front of the vehicle.

(7) Decals that have been lost, stolen or destroyed may be reissued for a charge of one dollar (\$1.00).

Section 23:- That subsections (g) and (h) of Section 25-286.2 of the Norfolk City Code, 1979, are hereby amended and reordained to read as follows:

**Sec. 25-286.2    Designation of  
residential and  
commercial business  
parking-permit areas.**

(g) Designation of parking-permit area.

(1) Following the designation of a parking-permit area by the city manager, he shall cause to be posted parking signs in the area, indicating the times, locations and conditions under which parking shall be by permit only.

(2) The issuance of parking decals shall be by the division of parking facilities as provided in paragraph (h).

(h) Issuance of decals; proration.

(1) A fee of ten dollars (\$10.00) per annum shall be charged for the issuance of all decals. Bona fide residents shall be entitled to one decal per vehicle registered in their name to that address. All other decals shall be allocated as provided herein. The fees collected will be used by the city to defray the cost of enforcement of this section and rules, regulations, and orders promulgated by the city manager. Parking decals shall be issued on an annual basis by the division of parking facilities for the period commencing at 12:01 a.m., June 1 and expiring at midnight May 31 of the following year.

(2) The maximum number of decals for eligible businesses shall be issued to owners of businesses as follows: one decal per three hundred fifty (350) square feet of office or shop floor space minus the number of off-street parking spaces used by the business for employee parking at the location within the district. For example, if a business were three thousand five hundred (3,500) square feet and had five (5) off-street spaces, the business would be eligible for five (5) decals. Notwithstanding, in no event shall the decals issued to a business exceed the number of personnel working at a particular location.

(3) For a parking decal issued pursuant to this section and purchased after November 30 and prior to March 1, which decal shall expire at midnight on May 31 of the following year, the fee shall be five dollars (\$5.00); for a parking decal purchased during the period commencing March 1, which parking decal shall expire at midnight May 31, the fee shall be three dollars (\$3.00).

(4) Each household qualified pursuant to this section to purchase an annual parking decal shall be issued one complimentary visitor's pass for the use of visitors of such purchaser while residing or visiting on a temporary basis in the home or dwelling place of such purchaser. Such passes shall be subject to any rules and regulations established covering their use.

(5) Additional temporary parking passes shall be issued to each household to be valid for a period not exceeding one calendar month to accommodate unusual visiting requirements for a fee of two dollars (\$2.00) each to holders of annual passes.

(6) Decals, temporary passes and visitor's passes are not transferable. If a resident or other person entitled to a decal trades a vehicle, he shall carefully scrape the decal from the bumper and return it with his permit form to the division of parking facilities for issuance of a new sticker at no cost. Abuse of these regulations may be grounds for revocation of parking pass privileges by the city.

(7) The annual decal shall be displayed on the left rear bumper of the vehicle. Visitor and temporary parking passes shall be displayed in the left rear window of the vehicle. In the absence of a window, it shall be prominently displayed to be visible to a vehicle approaching from the rear.

(8) Decals that have been lost, stolen or destroyed may be reissued for a charge of one dollar (\$1.00).

Section 24:- That subsection (a) of Section 25.1-36 of the Norfolk City Code, 1979, is hereby amended and reordained to read as follows:

**Sec. 25.1-36      Discount parking for  
students in the central  
business district.**

(a) Subject to all rules, regulations and procedures promulgated, established or ratified by the city manager, the city may lease parking spaces to educational

institutions located within the central business district.

Section 25:- That subsections (a) and (c) of Section 25.1-37 of the Norfolk City Code, 1979, are hereby amended and reordained to read as follows:

**Sec. 25.1-37      Discount parking for  
residents of and  
visitors to the central  
business district.**

(a) Subject to the rules, regulations and procedures promulgated, established or ratified by the city manager or designee, the director of general services shall establish a discount parking program for residents of and visitors to the central business district.

(c) The city manager or designee shall verify the status of individuals seeking to lease parking spaces as residents of the central business district by requiring proof of ownership or rental agreement and verification that the vehicle is registered to the individual at an address within the central business district.

Section 26:- That subsection (b) of Section 25.1-102 of the Norfolk City Code, 1979, is hereby amended and reordained to read as follows:

**Sec. 25.1-102      Location; manner of  
installation; required  
signals; etc.**

(b) Each parking meter provided for in the article shall be installed and set to display, upon the deposit of the required payment therein, a signal indicating legal parking for that period of time conforming to the limit of parking time which has been or may be established for that area or zone of the street upon which such parking meter is installed and shall continue to operate from the time of the deposit of such payment therein until the expiration of the time fixed as the parking limit for part of the street upon which such parking meter is placed. Each

such meter shall also be so arranged that, upon the expiration of such legal parking time, it will indicate, by display of a red luminescent signal, that the lawful parking period has expired.

Section 27:- That subsections (a) and (c) of Section 25.1-125 of the Norfolk City Code, 1979, are hereby amended and reordained to read as follows:

**Sec. 25.1-125      Enforcement.**

(a) Except as otherwise provided, the parking lot meters referred to in this article shall be in operation between the hours of 9:00 a.m. and 6:00 p.m., Monday through Friday, and the ODU Village and Spotswood Lot parking meters shall be in operation from 8:00 a.m. to 8:00 p.m., Monday through Friday.

(c) The city manager is hereby authorized to waive the provision of this article with respect to any and/or all rates, designated streets, zones, or public areas of the city.

Section 28:- That subsection (a) of Section 25.1-127 of the Norfolk City Code, 1979, is hereby amended and reordained to read as follows:

**Sec. 25.1-127      Deposit of payment  
required; over-time  
parking.**

(a) When any vehicle shall be parked in any parking meter space, the operator of such vehicle shall, upon entering the parking meter space, immediately pay via mobile payment or deposit payment in a parking meter, either centralized or adjacent to the parking meter space, and the parking meter space may then be legally occupied by such vehicle during the period indicated by such parking meter, which is hereby prescribed as the period of parking time allowed in such parking meter. If such vehicle shall remain parked in such parking meter space beyond the parking time limit fixed for such parking meter space, either by centralized parking meter or the parking meter

adjacent to the parking meter space, the vehicle parked in such parking meter space shall be considered as parked overtime and beyond the period of legal parking time..

Section 29:- That Section 25.1-140 of the Norfolk City Code, 1979, is hereby amended and reordained to read as follows:

**Sec. 25.1-140      Parking meter rates.**

The following rates for meters are hereby established:

| Metered Area                  | General Location  | Hourly Rate           |
|-------------------------------|---|-----------------------|
| Tier 1                        | All streets west of St. Paul's Boulevard, City Hall Avenue and South, Waterside Drive and north, all streets east of Boush Street including Boush Street, and east side of St. Paul's Boulevard between Market Street and Charlotte Street (St. Paul's Lot)                                 | \$0.45 per 15 minutes |
| Tier 2                        | All streets west of St. Paul's Boulevard and east of Duke Street; north of City Hall Avenue and south of Charlotte Street; and All remaining downtown areas with meters, generally north of Charlotte Street to Princess Anne Road to east of Llewellyn Avenue to west of Monticello Avenue | \$0.35 per 15 minutes |
| Education Lot                 | Corner of St. Paul's Boulevard and City Hall Avenue   | \$0.45 per 15 minutes |
| ODU Village and Spotswood Lot | Meters located on 41st, 43rd, 45th, 46th, 47th Street and Monarch Way, and 800 Block of Spotswood Avenue between Colley Avenue and Core Avenue  | \$0.50 per 30 minutes |

Section 30:- That subsection (f) of Section 46.1-32 of the Norfolk City Code, 1979, relating to utility account service charges, is hereby repealed.

Section 31:- That there is hereby set-aside from the General Fund revenues of up to Five Million Dollars (\$5,000,000) to be the amount by which revenue is reduced



for the purpose of providing real estate tax exemptions and deferrals for the elderly and disabled under Chapter 24, Article IV, Division 2 of the Norfolk City Code, 1979, real estate tax exemptions for disabled veterans pursuant to Code of Virginia, Section 58.1-3219.5, and real estate tax exemptions of the principal residences of surviving spouses of members of the armed forces of the United States killed in action, pursuant to Code of Virginia, Section 58.1-3219.9.

The Department of Human Services, as designated by the City Manager, shall administer this program.

Section 32:- That the provisions of this ordinance are hereby declared to be severable. If any part, section provision, sentence, clause or phrase, or the application thereof to any person or circumstance, is adjudged to be unconstitutional or invalid for any reason, the remainder of the ordinance shall remain in full force and effect and its validity shall not be impaired, it being the legislative intent now hereby declared that the ordinance would have been adopted even if such invalid matter had not been included or if such invalid application had not been made.

Section 33:- That this ordinance shall be in effect from and after July 1, 2015.

Adopted by Council May 19, 2015  
Effective July 1, 2015

TRUE COPY  
TESTE:

\_\_\_\_\_  
R. BRECKENRIDGE DAUGHTREY, CITY CLERK

BY: \_\_\_\_\_  
DEPUTY CITY CLERK

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Form and Correctness Approval:

By Nathaniel Bowman  
Office of the City Attorney

NORFOLK, VIRGINIA

Pursuant to Section 72 of the City Charter, I hereby certify that the money required for this item is in the city treasury to the credit of the fund from which it is drawn and not appropriated for any other purpose.

Contents Approved:

By Betty Mays  
DEPT.

\$155,505,200      Various  
 Account  
Alvin McKeely      5/14/15  
 Director of Finance      Date

**ORDINANCE No. 45,956**

R-7

AN ORDINANCE APPROVING THE CAPITAL IMPROVEMENT PLAN BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2015 AND ENDING JUNE 30, 2016; APPROPRIATING \$155,505,200 FOR CERTAIN PROJECTS APPROVED THEREIN; AUTHORIZING AN ISSUE OF BONDS IN THE AMOUNT OF \$136,030,896, OF WHICH \$4,430,424 IS THE REAPPROPRIATION OF PREVIOUSLY AUTHORIZED, BUT UNISSUED, BONDS; AND AUTHORIZING THE EXPENDITURE OF \$19,474,304 IN CASH, OF WHICH \$381,138 IS THE REAPPROPRIATION OF PREVIOUSLY AUTHORIZED CASH.

WHEREAS, the City Manager submitted to the City Council a Capital Improvement Plan Budget for the City for the fiscal year beginning July 1, 2015 and ending on June 30, 2016; and

WHEREAS, it is necessary to appropriate sufficient funds to cover the approved capital projects set forth in the Capital Improvement Plan Budget and to authorize said projects; now therefore,

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That the capital projects set forth below in the Capital Improvement Plan for the fiscal year beginning on July 1, 2015 and ending on June 30, 2016, submitted by the City Manager under date of April 14, 2015, and amended by City Council, are hereby approved and the amounts herein set forth aggregating \$155,505,200, or so much thereof as may be necessary, as set forth in the Capital Improvement Plan Budget for the

fiscal year July 1, 2015 to June 30, 2016, are hereby appropriated for the purposes hereinafter set out in the following subparagraph:

**A. Capital Improvement Projects**

| <u>Number</u>          | <u>Title</u>  | <u>Approved<br/>Amount</u> |
|------------------------|---|----------------------------|
| <b>General Capital</b> |   |                            |
| 1                      | Address School Major Maintenance                                      | 3,500,000                  |
| 2                      | Address Street Flooding Citywide                                      | 1,500,000                  |
| 3                      | Build Broad Creek Library   | 9,000,000                  |
| 4                      | Construct Camp Allen Elementary School                                | 11,886,000                 |
| 5                      | Construct or Renovate Schools   | 59,000,000                 |
| 6                      | Continue Scope Arena Improvements (PA)                                | 750,000                    |
| 7                      | Control Beach Erosion   | 500,000                    |
| 8                      | Develop Bicycle, Pedestrian Greenways, Sharrows, and Complete Streets | 750,000                    |
| 9                      | Enhance Signals and Intersections                                     | 200,000                    |
| 10                     | Fund ADA Master Plan for City Facilities                              | 150,000                    |
| 11                     | Fund Chrysler Museum Capital Campaign Match                           | 850,000                    |
| 12                     | Fund Preliminary Engineering  | 3,359,000                  |
| 13                     | Implement Fire-Rescue Facility Plan                                   | 5,125,000                  |
| 14                     | Implement RPOS Master Plan  | 500,000                    |
| 15                     | Improve Citywide Dredging and Waterways                               | 350,000                    |
| 16                     | Improve Community and Neighborhood Parks                              | 500,000                    |
| 17                     | Improve Cultural Facilities (PA)                                      | 250,000                    |
| 18                     | Improve Denby Park Neighborhood                                       | 200,000                    |
| 19                     | Improve Downtown Corridor Streetscaping                               | 100,000                    |
| 20                     | Improve Existing Community Centers                                    | 450,000                    |
| 21                     | Improve Fairmount Park Infrastructure                                 | 950,000                    |
| 22                     | Improve HVAC Systems Citywide   | 200,000                    |
| 23                     | Improve Infrastructure and Acquire Property                           | 1,000,000                  |
| 24                     | Improve Neighborhood Streets - Major                                  | 600,000                    |
| 25                     | Improve Roof Repair and Moisture Protection                           | 250,000                    |
| 26                     | Improve Street Lights   | 100,000                    |
| 27                     | Maintain Municipal Facilities   | 3,000,000                  |
| 28                     | Maintain USS Wisconsin BB-64  | 500,000                    |
| 29                     | Renovate Virginia Zoo Farm and Reptile House                          | 700,000                    |
| 30                     | Repair and Maintain Bridges - Minor                                   | 250,000                    |
| 31                     | Repair and Replace Bridges - Major                                    | 1,000,000                  |
| 32                     | Repair Neigh. Sts/Sidewalks/Walkways                                  | 500,000                    |
| 33                     | Revitalize, Redevelop, and Conserve Neighborhoods                     | 2,500,000                  |

|   |                    |
|---|--------------------|
| 34 Support Boxing Facility at Harbor Park       | 2,000,000          |
| 35 Support Career and Technical Education       | 1,000,000          |
| 36 Support Citywide Public Art                  | 250,000            |
| <b>Total General Capital</b>                    | <b>113,720,000</b> |
| <b>Parking Facilities</b>                       |                    |
| 37 Maintain Parking Facilities                  | 2,900,000          |
| <b>Total Parking Facilities</b>                 | <b>2,900,000</b>   |
| <b>Storm Water Utility</b>                      |                    |
| 38 Create Citywide Flooding Reserve             | 1,315,200          |
| 39 Improve Storm Water Quality                  | 950,000            |
| 40 Improve Storm Water System                   | 600,000            |
| 41 Improve Storm Water Waterfront Facilities    | 500,000            |
| 42 Reduce Neighborhood Flooding                 | 1,450,000          |
| Support Campostella Landfill Post Closure       |                    |
| 43 Requirements                                 | 1,500,000          |
| <b>Total Storm Water Utility</b>                | <b>6,315,200</b>   |
| <b>Wastewater Utility</b>                       |                    |
| 44 Improve Wastewater Collection System         | 17,000,000         |
| <b>Total Wastewater Utility</b>                 | <b>17,000,000</b>  |
| <b>Water Utility</b>                            |                    |
| 45 Implement Meter Change-Out Program           | 150,000            |
| 46 Improve Water Pipeline Infrastructure        | 12,700,000         |
| 47 Rehabilitate Reservoirs Systemwide           | 1,050,000          |
| 48 Replace Master Meters                        | 120,000            |
| 49 Upgrade Moores Bridges Water Treatment Plant | 1,500,000          |
| 50 Upgrade Northstar Billing System             | 50,000             |
| <b>Total Water Utility</b>                      | <b>15,570,000</b>  |
| <b>Grand Total</b>                              | <b>155,505,200</b> |

Section 2:- That in order to provide the funds heretofore appropriated, cash in the aggregate principal sum of \$19,474,304 is authorized to be expended. Of such sum, \$9,527,966 is for General Capital Improvement Projects, which is comprised of \$300,000 of proceeds from the sale of land, \$2,079,166 transferred from the General Fund, \$6,148,800 transferred from the School Fund, and \$1,000,000 transferred from the Public Amenities Fund; \$2,900,000 is for Parking Facilities Fund Projects; and \$5,350,000 is for Water Utility Fund Projects; and \$1,696,338 for Storm Water Utility Fund Projects, of which \$381,138 was previously authorized cash. Previously approved, but unissued, bonds in the aggregate principal sum of \$4,430,424 are reappropriated for General Capital

Improvement Projects, and therefore bonds of the City of Norfolk in the aggregate principal sum of \$136,030,896 are hereby authorized to be issued from time to time in such form and with such terms as shall be established pursuant to future ordinances, of which \$104,192,034 is for General Capital Improvement Projects, \$4,618,862 is for Storm Water Utility Fund Projects, \$17,000,000 is for Wastewater Utility Fund Projects and \$10,220,000 is for Water Utility Fund Projects. Further, that \$7,500,000 of cash funding previously authorized from the Public Amenities Fund for General Capital Improvement Projects hereby reverts to the Public Amenities Fund, and funding for \$40,000,000 of the City's previously authorized, but unissued, Water Utility Fund Projects is hereby converted to cash funding and is hereby appropriated.

Section 3:- That the Council reasonably expects to reimburse certain expenditures made from the General Capital Improvement Projects Fund, Storm Water Utility Fund, Wastewater Utility Fund and Water Utility Fund to interim finance the above-described capital projects with the proceeds of the above described bonds to be issued by the City.

Section 4:- That this ordinance represents a declaration of "official intent" under Treasury Regulations Section 1.150-2(e).

Section 5:- That the expenditures to be reimbursed will be paid from the following funds, which funds have the following general functional purposes:

(a) General Capital Improvement Projects Fund. Used to account for the financial resources used to finance general capital improvement projects in the Capital Improvement Plan other than those financed by the City's enterprise funds or special revenue funds;

(b) Wastewater Utility Fund. Used to account for the City's wastewater utility operations, including accounting for the financial resources used to finance capital projects in the Capital Improvement Plan related to the wastewater utility;

(c) Storm Water Utility Fund. Used to account for the City's environmental storm water operations,

including accounting for the financial resources used to finance capital projects in the Capital Improvement Plan related to the storm water utility; and

(d) Water Utility Fund. Used to account for the City's water utility operations, including accounting for the financial resources used to finance capital projects in the Capital Improvement Plan related to the water utility.

Section 6:- That the appropriate officers or agents of the City are authorized and directed to file a certified copy of this ordinance with the Circuit Court of the City of Norfolk pursuant to Sections 15.2-2607 and 15.2-2627 of the Code of Virginia, 1950, as amended.

Section 7:- That the City Manager, unless otherwise directed by City Council, is hereby authorized to do all things necessary to implement the projects set forth in the FY 2015 Capital Improvement Plan Budget.

Section 8:- That the City Manager or his designee is authorized to close out or reappropriate unused Capital Improvement Plan funds in projects that have been completed. These funds may be reappropriated as sources in future year Capital Improvement Plans; and that previously appropriated neighborhood plan funding may be used for the construction of a new library.

Section 9:- That the City Manager or his designee is authorized to transfer from any project which has an excess of funds appropriated for its use to any other project all or any part of such excess. A record of all such transfers shall be maintained by the Director of Finance.

Section 10:- That the City Manager or his designee is authorized to transfer funds from any project authorized with Public Art funds in the Capital Improvement Plan to any other project or pool funds, as needed, to implement any portion of the Plan.

Section 11:- That this ordinance shall be in effect from and after July 1, 2015.

Adopted by Council May 19, 2015  
Effective July 1, 2015

TRUE COPY  
TESTE:

\_\_\_\_\_  
R. BRECKENRIDGE DAUGHTREY, CITY CLERK

BY: \_\_\_\_\_  
DEPUTY CITY CLERK